

## Message Text

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TO USDEL SECRETARY IMMEDIATE

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SECDEL FOR LORD FROM LEWIS

FOLLOWING REPEAT USUN 3835 ACTION SECSTATE DTD 20 SEP 76.

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TAGS: SHUM, SOCI

SUBJ: 31ST GENERAL ASSEMBLY--SECRETARY'S STATEMENT ...  
HUMAN RIGHTS

1. SUMMARY. THE GENERAL ASSEMBLY SESSION PRESENTS US WITH A CONTINUING CHALLENGE AND OPPORTUNITY FOR PRESENTING VIEWS EVEN IF THERE IS LITTLE POSITIVE ACTION IN THE FIELD OF HUMAN RIGHTS. THE AGENDA, INCLUDING SUCH DIFFICULT ISSUES AS CHILE, SOUTHERN AFRICA AND RACIAL DISCRIMINATION, PROVIDES ADEQUATE OCCASION TO ARGUE VIGOROUSLY THE CASE FOR US AND WESTERN VALUES IN THE HUMAN RIGHTS FIELD. AT PRESENT, WE DO NOT BELIEVE THAT A SPECIFIC US INITIATIVE IN THE FORM OF A DRAFT RESOLUTION IS INDICATED (ALTHOUGH WE SHOULD REASSESS THIS JUDGMENT LATER). THIS DOES NOT, HOWEVER, MEAN THAT WE SHOULD BE PASSIVE OR DEFENSIVE.

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WE RECOMMEND THAT A STRONG PASSAGE ON HUMAN RIGHTS BE INCLUDED IN THE SECRETARY'S SPEECH TO UNDERLINE THE BASIC USG COMMITMENT IN THIS AREA AND TO SERVE AS A PLATFORM FOR OUR EFFORTS THROUGHOUT THE SESSION. END SUMMARY.

2. OVER THE PAST FEW MONTHS THE MISSION HAS DISCUSSED INFORMALLY WITH THE DEPT (IO) A BASIC US POSTURE FOR THE HUMAN RIGHTS AGENDA. WE WERE NOT ABLE DURING THESE CONSULTATIONS TO IDENTIFY USEFUL NEW INITIATIVES WHICH WE COULD TAKE OR PRESENT IN THE FORM OF DRAFT RESOLUTIONS. WE SUGGESTED THAT, AS THIS YEAR'S GA SESSION WILL COINCIDE WITH THE BICENTENNIAL, WE SHOULD TAKE MAXIMUM ADVANTAGE OF THE UN FORUM TO EXPLAIN AND ADVANCE THE CASE FOR WESTERN IDEALS AND DEMOCRATIC VALUES -- RESTATING CLEARLY THE BASIC PRINCIPLES OF OUR SOCIETY AND IDENTIFYING THEM WITH MAJOR INTERNATIONAL CONCERNS. IT MEANS CONTINUING VIGOROUSLY TO OPPOSE EFFORTS BY OTHERS TO PROMOTE RESOLUTIONS AND IDEAS THAT AMOUNT TO PERVERSION OF HUMAN RIGHTS OR THEIR SUBORDINATION TO POLITICAL OR ECONOMIC CONSIDERATIONS. THIS ALSO MEANS A WILLINGNESS ON THE PART OF THE US TO PARTICIPATE IN CRITICISM--WHERE APPROPRIATE--OF SOME FRIENDLY COUNTRIES (E.G., CHILE) WHILE CONTINUING TO CONDEMN THE DOUBLE STANDARD IN THE UN.

3. WHILE STILL DIFFICULT, AT THIS EARLY STAGE, TO PREDICT HOW HUMAN RIGHTS MATTERS WILL UNFOLD IN THE THIRD COMMITTEE, THE AGENDA (ITEMS 12, 68, 69, 73, AND 80) COVERS THE GAMUT OF FAMILIAR CONTENTIOUS ISSUES AND AREAS: SOUTH AFRICA, CHILE; ISRAEL; CYPRUS; THE INTERNATIONAL CONVENTIONS ON CIVIL AND POLITICAL RIGHTS AND ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS; RACIAL DISCRIMINATION INCLUDING THE DECADE; AND TORTURE.

4. IN ADDITION TO THE FOREGOING, THE FRG IS EXPECTED TO MOVE FORWARD WITH ITS PROPOSAL ON HOSTAGES. WHILE THIS ISSUE IS LIKELY TO BE PURSUED IN THE LEGAL COMMITTEE (SIXTH COMMITTEE) RATHER THAN IN THE THIRD COMMITTEE, IT WILL BE PERCEIVED BY THE PUBLIC AS AN IMPORTANT ASPECT OF UN WORK ON THE FIELD OF HUMAN RIGHTS. WE ALSO ANTICIPATE THAT THE SWEDES WILL MOVE AHEAD WITH LIMITED OFFICIAL USE

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THEIR PROPOSAL ON TREATMENT OF POLITICAL PRISONERS. FINALLY, ONE CAN ANTICIPATE THE INTRODUCTION OF NON-AGENDA ITEMS SUCH AS THE SOVIET BLOC EFFORTS TO DISTORT THE HELSINKI AGREEMENT.

5. AT PRESENT, WE DO NOT SEE A PROMISING OPENING FOR A FORMAL US INITIATIVE ON THE AGENDA. LAST YEAR'S PROPOSAL ON AMNESTY FOR POLITICAL PRISONERS WILL BE CONSIDERED IN THE HUMAN RIGHTS COMMISSION NEXT YEAR AND IS NOT RIPE FOR FURTHER TREATMENT AT THE CURRENT GA SESSION. EUROPEAN AND OTHER WESTERN DELEGATIONS WILL EXPECT US TO WORK IN SUPPORT OF THE SWEDISH PROPOSAL ON TREATMENT

OF POLITICAL PRISONERS AND THE FRG PROPOSAL ON HOSTAGES.

6. AN IMPORTANT ASPECT OF US LEADERSHIP IN THIS FIELD WILL INVOLVE CLOSE CONSULTATION AND COOPERATION WITH THE EC-9 AND OTHER WESTERN NATIONS. WESTERN COHESION IS ESSENTIAL BOTH TO ASSURE WHATEVER FORWARD MOVEMENT MAY BE POSSIBLE AND TO AVOID EROSION OF RESISTANCE ON SUCH ISSUES AS ZIONISM/RACISM (GA RESOLUTION 3379). EQUALLY, WE MUST SEEK TO ESTABLISH A COMMUNITY OF INTEREST WITH FRIENDLY DEVELOPING COUNTRIES. THE FACT THAT THERE MAY BE NO US DRAFT RESOLUTION THIS FALL NEED NOT AND SHOULD NOT MEAN A PASSIVE OR DEFENSIVE ROLE FOR THE DELEGATION. IT IS IMPORTANT INTERNATIONALLY AND FOR THE AMERICAN PEOPLE THAT THE DELGATION NOT ONLY BE ACTIVE BUT BE SEEN TO SPEAK OUT FORCEFULLY ON HUMAN RIGHTS.

7. APART FROM TACITICAL QUESTIONS THAT MUST BE HANDLED AS THE ISSUES ARISE, IT SEEMS ESSENTIAL THAT THE USG COMMITMENT TO HUMAN RIGHTS AS A FUNDAMENTAL PART OF OUR FOREIGN POLICY COME THROUGH CLEARLY. WE SHOULD MAKE CLEAR OUR OPPOSITION TO RACIAL DISCRIMINATION--ESPECIALLY IN AFRICA--WHILE CONTINUING TO OPPOSE THE ALLEGED LINK BETWEEN ZIONISM, RACISM AND APARTHEID. WE SHOULD SUPPORT THE SWEDISH EFFORT TO IMPROVE THE TREATMENT OF POLITICAL PRISONERS, IF IT EMERGES, WHILE CONTINUING TO MAKE CLEAR OUR INTEREST IN AMNESTY. ON TORTURE, WE CAN EMPHASIZE OUR BELIEF THAT LAST YEAR'S GA RESOLUTION IS BUT A SMALL BEGINNING.  
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8. THE KEY ELEMENT IN ESTABLISHING THE RIGHT TONE AT THE OUTSET IS, OF COURSE, THE SECRETARY'S SPEECH. WE URGE THAT THE SPEECH INCLUDE A STRONG SECTION ON HUMAN RIGHTS. IT CAN HAVE AN ESPECIALLY DRAMATIC IMPACT IF THE SECRETARY'S CURRENT EFFORTS IN SOUTHERN AFRICA ARE SUCCESSFUL.

9. AMONG THE BROAD THEMES THAT MIGHT BE CONSIDERED FOR THE SECRETARY'S SPEECH ARE: A. LIBERTY AND DIGNITY OF THE INDIVIDUAL; B. FREEDOM OF COMMUNICATION AND EXPRESSION; C. EQUALITY AND BROTHERHOOD.

10. LIBERTY AND DIGNITY OF THE INDIVIDUAL. SEVERAL THIRD COMMITTEE AGENDA ITEMS OR EXPECTED INITIATIVES RELATE TO THIS THEME. SOME OF THEM TO DILUTE THE BASIC PRINCIPLE OF FREEDOM FROM ARTIBRARY ARREST AND OTHER RECOGNIZED SAFEGUARDS. AGENDA ITEM 73 IS ENTITLED "TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT." IT DEALS WITH METHODS OF CONTROLLING TORTURE. LIKEWISE THE POSSIBLE SWEDISH

INITIATIVE ON POLITICAL PRISONERS IS CONCERNED WITH THEIR TREATMENT BUT, AS IT STANDS, DOES NOT VIGOROUSLY ATTACK SUCH BASIC PROBLEMS AS ARBITRARY ARREST, AND THE RIGHT TO BE PRESENTED WITH EVIDENCE AND CHARGES. FREEDOM OF THE INDIVIDUAL IS ALSO RELEVANT TO THE GERMAN PROPOSAL ON HOSTAGES. IN ANY EVENT, WE HOPE THAT THE BROAD THEME OF THE INDIVIDUAL--HIS RIGHTS AND HIS DIGNITY--WILL FIGURE PROMINENTLY IN THE SECRETARY'S SPEECH AND IN OUR STATEMENTS THROUGHOUT THE SESSION. WE SHOULD EMPHASIZE THAT WHILE WE SUPPORT THE INITIATIVES IN THIS AREA, WE ARE DEEPLY CONCERNED ABOUT "POLITICAL PRISONERS" AND THE FACT THAT PEOPLE ARE BEING DETAINED AND ABUSED BECAUSE OF THEIR BELIEFS.

11. FREEDOM OF COMMUNICATION AND EXPRESSION. THIS IS AN AREA OF INCREASING CONCERN IN A NUMBER OF COUNTRIES AND AREAS OF THE WORLD. WHILE ITS IMPLICATIONS ARE NOT ENTIRELY CLEAR, RESULTS OF THE COLOMBO CONFERENCE RAISE TROUBLESOME QUESTIONS REGARDING FREE LIMITED OFFICIAL USE  
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DISSEMINATION OF NEWS IN THE THIRD WORLD. THE FORTHCOMING UNESCO GENERAL CONFERENCE IN NAIROBI INCLUDES THE CONTROVERSIAL DRAFT DECLARATION ON THE MASS MEDIA WHICH EMPHASIZES THE RIGHT OF THE STATE TO CONTROL PUBLIC ACCESS TO INFORMATION. WHILE RECOGNIZING THAT DEVELOPING COUNTRIES WANT TO GET THEIR STORY OUT AND MAY WISH TO HAVE THEIR OWN NEWS AGENCIES, WE SHOULD MAKE AN UNEQUIVOCAL STATEMENT IN THE GA OF OUR CONCEPT OF FREEDOM OF COMMUNICATION AND EXPRESSION. WE SHOULD COUNTER THE IDEA THAT FREEDOM OF THE PRESS AND FREEDOM OF SPEECH IS A LUXURY WHICH ONLY THE DEVELOPED WESTERN DEMOCRACIES CAN AFFORD.

12. EQUALITY AND BROTHERHOOD. CAREFUL TREATMENT OF THIS THEME AT THE OUTSET WILL HELP PREPARE THE GROUND FOR WHAT NOW LOOKS LIKE THE MOST DIFFICULT SET OF ISSUES IN THE THIRD COMMITTEE. THESE INVOLVE SOUTHERN AFRICA AND THE MIDDLE EAST, SPECIFICALLY APARTHEID AND ZIONISM. WE CAN EXPECT TO SEE EFFORTS BY THE ARAB STATES AND BY THE SOVIET BLOC TO DRAMATIZE THE LINKS BETWEEN ISRAEL AND SOUTH AFRICA AS PROOF OF THE THESIS THAT ZIONISM IS RACISM AND A BEDFELLOW OF APARTHEID. IT WILL BE ESSENTIAL THAT WE MAKE CLEAR OUR OPPOSITION TO RACIAL DISCRIMINATION IN ANY FORM WHILE CONTINUING TO OPPOSE THE ZIONISM/RACISM LINK VIGOROUSLY IN COMPANY WITH OUR ALLIES. WE SHOULD HIGHLIGHT THE FACT THAT WHILE OTHERS HAVE SO DISTORTED THE DECADE AGAINST RACISM AS TO PRECLUDE OUR PARTICIPATION, WE WILL YIELD TO NONE IN OPPOSING RACIAL DIS-

CRIMINATION.

13. FINALLY, TWO UN COVENANTS HAVE COME INTO EFFECT THIS YEAR FOLLOWING RATIFICATION BY THE REQUIRED NUMBER OF STATES. THESE ARE THE COVENANTS ON CIVIL AND POLITICAL RIGHTS AND ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. THE US IS NOT A PARTY TO EITHER OF THESE INSTRUMENTS. THEIR EXISTENCE WILL GIVE THE SOVIETS AND SOME OTHERS A HANDLE TO TRY TO DOMINATE MUCH OF THE DEBATE IN THE THIRD COMMITTEE. IT WILL ALSO GIVE THEM AN OPPORTUNITY TO MAKE SOME FAMILIAR ARGUMENTS THAT WE REJECT, FOR EXAMPLE, THAT CIVIL LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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AND POLITICAL RIGHTS MUST BE SUBORDINATED TO ECONOMIC INDEPENDENCE AND TO INTERNATIONAL PEACE AND SECURITY AS THE SOVIETS DEFINE THESE TERMS.

IF IT SHOULD BE DECIDED THAT THE DEPT INTENDS TO PUSH FOR RATIFICATION OF THESE TWO COVENANTS, WE SHOULD CONSIDER MENTIONING THIS FACT IN THE SECRETARY'S SPEECH.

SCRANTON UNQTE: ROBINSON

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